

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

JACOB ADAM CASTRO,
CDCR #K-48103,

Plaintiff.

Civil No. 13cv2750 BEN (MDD)

**ORDER GRANTING MOTION
FOR EXTENSION OF TIME TO
FILE FIRST AMENDED
COMPLAINT**

LIEUTENANT G.J. JANDA; BENTLY;
DR. GREY; VALENCIA; S.
HERNANDEZ; L. HERNANDEZ;
SUDU; CONES; LIEUTENANT DAVIS.

Defendants.

Plaintiff, currently housed in Corcoran State Prison located in Corcoran, California, and proceeding pro se, has filed a civil rights Complaint pursuant to 42 U.S.C. § 1983, along with a Motion to Proceed *In Forma Pauperis* (“IFP”). On January 10, 2014, the Court granted Plaintiff’s Motion to Proceed IFP and sua sponte dismissed his Complaint for failing to state a claim. (ECF No. 7.) Plaintiff was granted leave to file an Amended Complaint in order to correct the deficiencies of pleading identified in the Court’s Order. (*Id.* at 7-8.) The time to file an Amended Complaint has since passed but Plaintiff filed a “Motion for Extension of Time to File a First Amended Complaint.” (ECF No. 9.) The Court granted Plaintiff’s request and permitted him an additional sixty (60) days to file an Amended Complaint. (ECF No. 10.)

1 Plaintiff has now filed a second “Motion for Extension of Time to Amend a Civil
 2 Action.” (ECF No. 12.) In this motion, Plaintiff claims that the prison has been on
 3 “lock-down” and he has not had access to his legal materials.

4 The Court finds good cause to grant Plaintiff an extension of time in which to
 5 comply with its January 10, 2014 Order. “‘Strict time limits ... ought not to be insisted
 6 upon’ where restraints resulting from a pro se ... plaintiff’s incarceration prevent timely
 7 compliance with court deadlines.” *Eldridge v. Block*, 832 F.2d 1132, 1136 (9th Cir.
 8 1987) (citing *Tarantino v. Eggers*, 380 F.2d 465, 468 (9th Cir. 1967); *see also Bennett*
 9 *v. King*, 205 F.3d 1188, 1189 (9th Cir. 2000)). However, no further extensions of time
 10 will be granted absent a showing of exceptional circumstances.

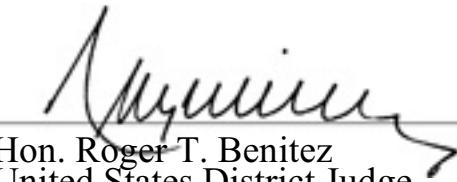
11 **CONCLUSION AND ORDER**

12 Accordingly, the Court hereby **GRANTS** Plaintiff’s Motion for Extension of Time
 13 to File a First Amended Complaint (ECF No. 12). Plaintiff is granted sixty (60) days
 14 leave from the date this Order is electronically filed in which to file a First Amended
 15 Complaint which cures all the deficiencies of pleading noted in the Court’s January 10,
 16 2014 Order. Plaintiff is once again cautioned that should he elect to amend, his
 17 Amended Complaint must be complete in itself, that it will supersede his original
 18 Complaint, and that any claim not re-alleged against any Defendant previously named
 19 will be considered waived. *See* S.D. CAL. CIVLR 15.1; *King v. Atiyeh*, 814 F.2d 565,
 20 567 (9th Cir. 1987).

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23 DATED: June 30, 2014

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 25 Hon. Roger T. Benitez
 United States District Judge

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